

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SCOTT LYNN GIBSON-VANESSA
LYNN,

Plaintiff,

v.

MARK ZUCKERBERG, and
FACEBOOK, INC.

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No. 6:19-cv-00169

DEFENDANTS MARK ZUCKERBERG AND FACEBOOK, INC.'S
NOTICE OF REMOVAL

Defendants Facebook, Inc. and Mark Zuckerberg (collectively “Defendants”), by and through their attorneys, hereby remove this Action from the 440th Judicial District Court of Coryell County, Texas, where it is docketed as Cause No. DC-18-47343, to the United States District Court for the Western District of Texas under 28 U.S.C. §§ 1332, 1441, and 1446. As explained further below, removal is proper based on diversity jurisdiction.

PROCEDURAL BACKGROUND

1. On February 13, 2018, Plaintiff Vanessa L. Gibson filed a Complaint in the 440th Judicial District Court of Coryell County, Texas, entitled *Scott Lynn Gibson-Vanessa Lynn v. Zuckerberg, Facebook, Executive Officers*, Cause No. DC-18-47343. A true and correct copy of the Complaint is attached as Exhibit A.

2. On February 1, 2019, Facebook received by certified mail the Complaint that Plaintiff sent. (Duffey Decl. at ¶ 3.¹)

¹ “Duffey Decl.” refers to the Declaration of Michael Duffey, filed concurrently herewith.

REMOVAL BASED ON DIVERSITY JURISDICTION

3. This is a civil action over which this Court has jurisdiction under 28 U.S.C. § 1332(a), because (a) there is complete diversity of citizenship between Plaintiff and Defendants and (b) more than \$75,000, exclusive of interest and costs, is at stake.

4. Plaintiff cannot dispute that there is complete diversity of citizenship. Plaintiff alleges that she is a resident of Texas. (Ex. A, at 3.) Facebook is incorporated in Delaware and has its primary place of business in California, and is therefore a citizen of those two states. (Duffey Decl. at ¶ 4.) Mr. Zuckerberg is a resident of California. (Duffey Decl. at ¶ 5.)

5. Plaintiff also cannot contest that there is more than \$75,000 at stake, as she specifically requests \$1.75 million in damages. (Ex. A at 10.)

THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

6. Facebook and Mr. Zuckerberg are the only proper and served Defendants. (Ex. A, at 3.) They are represented by the undersigned counsel and consent to this removal under 28 U.S.C. § 1446(b).

7. This Notice of Removal has been filed within 30 days of the date that Defendants received the Complaint in this matter. Removal therefore is timely under 28 U.S.C. 28 U.S.C. § 1446(b).

8. Removal is properly made to this Court under 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the Western District of Texas is the federal judicial district court embracing the 440th Judicial District Court of Coryell County, Texas, where this action originally was filed.

9. As required under 28 U.S.C. § 1446(d), Defendants promptly will file a true and correct copy of this Notice of Removal with the Clerk of the 440th Judicial District Court of

Coryell County, Texas. A true and correct copy of the notice to be filed with the state court is attached as Exhibit B.

10. As required under 28 U.S.C. § 1446(d), Defendants promptly will serve all adverse parties who have appeared in this action with a true and correct copy of this Notice of Removal.

RESERVATION OF RIGHTS AND DEFENSES

11. Defendants expressly reserve all rights, defenses, and objections to the Complaint, this action, or any other action brought by or on behalf of Plaintiff, including but not limited to defenses and objections as to failure to state a claim, personal jurisdiction, and venue. Defendants file this Notice of Removal without waiving any such rights, defenses, and objections and intend no admission of fact, law, or liability by filing this Notice.

12. Defendants reserve the right to amend or supplement this Notice of Removal.

Dated: February 25, 2019

Respectfully submitted,

POTTER MINTON
A Professional Corporation

By: /s/ J. Matt Rowan

J. Matt Rowan
State Bar No. 24033137
mattrowan@potterminton.com
110 N. College, Suite 500
Tyler, Texas 75702
T 903.597.8311
F 903.593.0846

(PRO HAC VICE PENDING)
KEKER, VAN NEST & PETERS LLP

Matan Shacham - #262348
mshacham@keker.com
633 Battery Street
San Francisco, CA 94111-1809
T 415.391.5400
F 415.397.7188

Attorneys for
MARK ZUCKERBERG AND
FACEBOOK, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on February 25, 2019. All others will be served via certified mail, return receipt requested.

/s/ J. Matt Rowan

J. Matt Rowan